

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

HILL WALLACK LLP
Elizabeth K. Holdren, Esq.
21 Roszel Road
P.O. Box 5226
Princeton, NJ 08543
Phone: 609-924-0808
Fax: 609-452-1888

In Re:

ANNETTE SMITH and WALTER SMITH,

Debtors.



Order Filed on October 4, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-20301
Judge: CMG
Hearing Date(s): September 19, 2018
Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: October 4, 2018

A handwritten signature in cursive script, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Applicant: Bank of America, N.A. through Carrington Mortgage
Services, LLC, servicer and attorney-in-fact
Applicant's Counsel: Elizabeth K. Holdren, Esq.
Debtor's Counsel: Kevin C. Fayette, Esq.
Property Involved ("Collateral"): 5 Vicky Court, Hamilton, New Jersey
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☐ The Debtor is overdue for _____ months, from _____ to _____.
- ☐ The Debtor is overdue for _____ payments at \$ _____ per month.
- ☐ The Debtor is assessed for _____ late charges at \$ _____ per month.
- ☒ Applicant acknowledges receipt of funds in the amount of \$ \$3,614.04 received after the motion was filed.

Total Arrearages Due \$ 40.62.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Payment shall be made in the amount of \$40.62 within thirty (30) days of the date of this Order.

x The regular monthly payment in the amount of \$1,218.22 due on September 1, 2018 shall be paid within seven (7) days of the date of this Order.

- ☒ Beginning on October 1, 2018, regular monthly payments shall be paid in the amount of \$1,218.22.

- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: _____

☒ Regular monthly payment: Carrington Mortgage Services, LLC
P.O. Box 3730
Anaheim, CA 92806

☐ Monthly cure payment: _____

4. In the event of Default:

☒ If the Debtor fails to make the payments specified above within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 350, and costs of \$ 181.

The fees and costs are payable

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.